



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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August 29, 2013

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO *RHG*
Assistant County Counsel
Law Enforcement Services Division

RE: **Estate of Jonathan Cuevas v. County of Los Angeles, et al.**
United States District Court Case No. CV 11-08297

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda of September 10, 2013.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Estate of Jonathan Cuevas vs. County of Los Angeles, et al., United States District Court Case Number CV 11-08297 in the amount of \$875,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of excessive force shooting and wrongful death by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Estate of Jonathan Cuevas v. County of Los Angeles, et al.
CASE NUMBER	CV1108297
COURT	United States District Court
DATE FILED	Complaint filed: October 6, 2011 Claim: April 11, 2011
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$875,000
ATTORNEY FOR PLAINTIFF	James P. Segall-Gutierrez, Esq. Law Offices of James P. Segall-Gutierrez
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$875,000, inclusive of attorneys' fees and costs, the lawsuit filed by decedent Jonathan Cuevas's minor child, A.M., by his Guardian Ad Litem, Mayra Murillo; and The Estate of Jonathan Cuevas, by his Executor Mayra Murillo, alleging wrongful death and civil rights violations.</p> <p>Plaintiffs claim a Deputy shot Mr. Cuevas without just cause. The Deputy contends that the force used was reasonable in response to Plaintiff's actions. However, in light of the potential</p>

for high exposure and the
uncertainties of litigation, a full and
final settlement of the case in the
amount of \$875,000 is
recommended.

PAID ATTORNEY FEES, TO DATE	\$	46,917.42
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PAID COSTS, TO DATE	\$	5,681.07
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Case Name: Estate of Jonathan Cuevas v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Sunday, October 10, 2010, approximately 12:23 a.m.
Briefly provide a description of the incident/event:	<p><u>Estate of Jonathan Cuevas v. County of Los Angeles</u> Summary Corrective Action Plan No. 2013-018</p> <p>On Sunday, October 10, 2010, at approximately 12:23 a.m., a Los Angeles County deputy sheriff was driving a standard black and white County-owned patrol vehicle north on Long Beach Boulevard, north of Josephine Street, Lynwood, when he saw several men walking south in the traffic lanes impeding traffic. The deputy sheriff initiated a contact to warn the individuals.</p> <p>When the deputy sheriff contacted the men, the deputy also observed another man (decendent) on an adjacent sidewalk. That man removed a handgun from his waistband and began running away from the deputy sheriff.</p> <p>The deputy sheriff directed the man to stop, but he quickly turned around toward the deputy sheriff, causing the deputy sheriff to believe he was about to be shot. The deputy sheriff discharged his weapon, striking the man.</p> <p>The male continued to run, but fell to the ground where the deputy sheriff approached him. The deputy sheriff directed the man to place his hands in clear view, but the man disregarded the deputy sheriff's instructions. The deputy sheriff discharged his weapon, striking the man again.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In their lawsuit, the plaintiffs (on behalf of the estate of Jonathan Cuevas) alleged a member of the Los Angeles County Sheriff's Department is responsible for the wrongful death of the decedent.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

County of Los Angeles
Summary Corrective Action Plan


The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

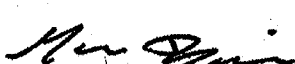
The incident was thoroughly reviewed by representatives from the Los Angeles County Sheriff's Department's Homicide, Internal Affairs Bureau and, ultimately, the Executive Force Review Committee. Their review found that the force used by the deputy sheriff was reasonable, necessary, and in compliance with Department policy. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

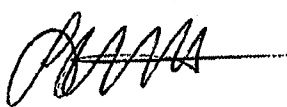
Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Judy A. Gerhardt, Acting Captain Risk Management Bureau	
Signature: 	Date: 2/28/13

Name: (Department Head) Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 7/25/13

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County of Los Angeles
Summary Corrective Action Plan

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
CEO COSTANTINO	
Signature:	Date:
	8/9/13